

**Board of Pilot Commissioners for Harris County Ports  
Pilot Board Investigation and Recommendation Committee  
Rehearing Minutes**

**March 16, 2022**

A rehearing of the Pilot Board Investigation and Recommendation Committee (the “PBIRC”) was convened on March 16, 2022 at 09:00, at the Offices of the Houston Pilot Board, Boardroom, at 203 Ivy Avenue, Deer Park, Texas 77536. The following members, and staff were virtually present:

Captain David Foret, Chairman  
Captain Robert Thompson  
Captain Michael Curtiss  
Captain Steve Nelson  
Captain Richard Russell  
Captain Marcus Woodring  
Captain Mike Usher  
Captain Paul Brown  
David McNeal, Board of Pilot Commissioners for Harris County Ports (the “Pilot Board”)  
General Counsel  
Captain M. Tyler Gavis, PBIRC Compliance Coordinator

Chairman Foret called the hearing to order to hear the following matters:

*M/V GOLDEN GLORY* allision with Kinder Morgan #3 mooring dolphin on January 30, 2019 in the Houston Ship Channel.

1. **SUMMARY OF HEARING re M/V GOLDEN GLORY allision with Kinder Morgan #3 mooring dolphin on January 30, 2019 in the Houston Ship Channel.**
  - a. Statements by PBIRC members and staff identifying themselves and describing their maritime expertise.
  - b. Statement by Chairman Foret as to the conduct of the hearing.
  - c. Introduction as Exhibit “A” of Incident Materials gathered by Captain Gavis regarding the above-referenced incident *M/V GOLDEN GLORY* allision with Kinder Morgan #3 mooring dolphin on January 30, 2019 in the Houston Ship Channel.
  - d. Introduction as Exhibit “B” of submission of Captain Michael Newingham.
  - e. Testimony by and questions put to Captain Newingham.
  - f. Concluding statement by Pilot counsel, Mr. Jim Brown.
  - g. Executive Session.
  - h. Announcement by Chairman Foret of Proposed Findings and Recommendations and description of appeal rights.
2. **Proposed Findings re Captain Newingham** Following its deliberations, by a vote of 8-0, the PBIRC proposed the following findings:
  - Evidence provided a considerable time after the incident and the original hearing indicates that the light may have been illuminated but was not a contributing factor to the incident itself.

- The pilot did not intentionally mislead the PBIRC.
- VDR Evidence not available at the first hearing indicates that there was a breakdown in communication on the bridge team which affected the pilot's perception of relevant distances prior to the allision.

3. **Proposed Recommendations re Captain Newingham** Following its deliberations, by a vote of 8-0, the PBIRC proposes the following recommendations to the Board of Pilot Commissioners for Harris County Ports ("the Pilot Board"):

- 1) The PBIRC directs Captain Newingham to complete Bridge Resource Management training within 6 months based on information obtained by the VDR.
- 2) The PBIRC will follow up with the Lone Star Harbor Safety Committee Facility Work Group's progress on the previously launched initiative to communicate with facilities regarding properly lit mooring fixture lights.
- 3) The PBIRC requests the Houston Pilots incorporate a Bridge Resource Management failure scenario into their current emergency ship handling course.

**Adopted by the Pilot Board Investigation and Recommendation Committee as of May 12, 2022**



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Captain David Foret, Chairman